

**TOWN OF ELSMERE
BOARD OF ADJUSTMENTS
MEETING MINUTES
March 23, 2010
6:30 P.M.**

PLEDGE OF ALLEGIANCE:

CALL TO ORDER:

ROLL CALL:

Board Member Patricia Boyd – Absent
Board Member James Personti – Present
Board Member John Smith – Present
Board Member Thomas Manuel – Present
Chairman Paul Chalfant – Present

OLD BUSINESS:

None

NEW BUSINESS:

The Board of Adjustment Reviewed Petition 10-01 tax parcel number 1900-400-004 also known as 1411 Kirkwood Hwy.

Mr. Dominick Serpe presented his application requested to enclose a portion of the side of his building to allow the storage of several baking racks.

Chairman Chalfant questioned Mr. Serpe on which section of the building he would be enclosing.

Mr. Serpe showed the board which portion on a drawing submitted for this application.

Board Member Smith asked what types of materials would be used to construct the enclosure.

Mr. Serpe stated that they would be using a mesh screening that would closely resemble the current color of the building.

Chairman Chalfant asked where they currently store these items.

Mr. Serpe stated that they store them indoors until they are tight on space, then the move them outdoors to this section.

ACTION: A motion was made by Board Member Smith to deny petition 10-01 because these items are not intended for exterior use and they are used for food products. The motion was seconded by Chairman Chalfant.

VOTE:

All in favor Vote: 3-1 with 1 Absent Motion Carried

Roll Call:

Board Member Patricia Boyd – Absent

Board Member James Personti – In favor of the motion

Board Member John Smith – In favor of the motion

Board Member Thomas Manuel – Against the motion, does not see any problems with the request.

Chairman Paul Chalfant – In favor of the motion

The Board of Adjustment Reviewed Petition 10-02 tax parcel number 1900-400-369 also known as 1100 Kirkwood Hwy.

LK Ramidi presented his request to waive the fees assessed to him for not complying with a citation notice issued with him. He stated that he never received the first notice requesting compliance and complied with the second notice which included a fine within 24 hours.

Chairman Chalfant asked the applicant how they received notice for the violation.

Mr. Ramidi stated that he received notice via mail at his home address in Newark.

Town Manager John Giles stated that in addition to both notices that were mailed to the property within a timely matter the Code Enforcement Officer also posted copies of the citations at the property the same days that they were mailed.

Chairman Chalfant asked Mr. Giles to clarify what he means by they were “posted” at the property.

Mr. Giles stated that both citations were mailed to the exact same addresses and were taped to the door at the property here in Elsmere.

Chairman Chalfant asked the applicant how frequently he checks on the property when its vacant.

Mr. Ramidi stated that he checks the property once a month.

Chairman Chalfant stated that the Town is willing to work with property owners within the Town but he also feels that if the building is vacant Mr. Ramidi should make a point to visit the property more often since it is in the center of the town.

ACTION: A motion was made by Chairman Chalfant to approve the appeal of the citations outlined in Petition 10-02. The motion was seconded by Board Member Smith.

VOTE:

All in favor Vote: 3-1 with 1 Absent Motion Carried

Board Member Patricia Boyd – Absent

Board Member James Personti – In favor of the motion

Board Member John Smith – In favor of the motion

Board Member Thomas Manuel – Against the motion, feels the property owner was sufficiently notified of the problem and should comply and pay the fines due.

Chairman Paul Chalfant – In favor of the motion

ITEMS SUBMITTED BY CHAIRMAN AND BOARD MEMBERS:

None

PUBLIC COMMENT:

2nd District Councilman Steven Burg, 108 Northern Avenue, stated that in January when the Planning Commission reviewed the application they decided that the applicant should publically notify the neighboring property of the proposed communications tower located just off B & O Lane. He stated that he is concerned that the Board passed this petition when he doesn't feel that they fully met the concerns of the Planning Commission. He would like to know what the communications with the Board of Adjustment and Planning Commission are.

Board Member Smith stated that in this particular case he felt that the applicant had sufficiently addressed the Commissions concerns.

Councilman Burg stated that he feels that the Board should be looking at petitions more closely.

At this time there were multiple people speaking at once and the tape was unable to be transcribed.

Councilman Burg asked the Town Manager asked if the ordinance regarding time limits for the Planning Commission would also apply for the Board of Adjustment.

Town Manager Giles stated that he would have to check the wording but he feels it should apply.

5th District Councilwoman Joann I. Personti stated that she attended the meeting and the applicant had submitted multiple photos of the property even several from the 2nd District. She also stated that the applicant had come to the Planning Commission Meeting unprepared, and appeared to have been more prepared at the Board of Adjustment Meeting.

APPROVAL OF MINUTES:

Minutes from the January 26, 2010 Board of Adjustment Meeting

Minutes were tabled due to lack of quorum of members who were present at the January meeting.

ADJOURNMENT:

ACTION: A motion was made by Board Member Smith to adjourn. The motion was seconded by Board Member Personti.

VOTE:

All in favor

Vote: 4-0 with 1 Absent

Motion Carried

At this time the meeting was adjourned.

These minutes summarize the agenda items and other issues discussed at the March 23, 2010 Board of Adjustment Meeting. Votes are recorded accurately. The audio tape(s) of this meeting will be available at Town Hall for a period of two years from the date these minutes are approved. The audio tape(s) may be reviewed at Town Hall by appointment and in accordance with the Freedom of Information Act.

PAUL CHALFANT, CHAIRMAN

JAMES PERSONTI, SECTRARY